REMARKS

[0001] Claims 1-4, 7, 11, 12, and 42-78 are pending. The Office Action rejected Claims 1-4, and 42-65 and 67-78 under 35 U.S.C. § 103(a) as being unpatentable over Konopka, et al., U.S. Patent No. 5,850,250 [hereinafter "Konopka"] in view of Freiberger et al., U.S. Patent No. 6,034,652 [hereinafter "Freiberger"]. The Office Action rejected Claims 7, 11, 12, and 66 under 35 U.S.C. § 103(a) as being unpatentable over Konopka and Freiberger as applied to Claims 1 and 59 and in further view of Slezak, U.S. Patent No. 6,647,119 [hereinafter "Slezak"]. The Applicants withdraw the Notice of Appeal filed April 14, 2008 and submit this amendment with a Request for Continued Examination. The Office Action accepted the drawings and replacement specification submitted July 5, 2007.

[0002] The Applicant appreciates the time spent by the Examiner reviewing proposed claims and providing suggestions regarding potential arguments of the Applicant.

AMENDMENTS TO THE CLAIMS

[0003] The claims have been amended to more particularly point out the features of the present invention. The amendments are fully supported by the specification, drawings, claims, and by the provisional applications incorporated by reference when the Applicant was filed.

REJECTION OF CLAIMS 1-4, 7, 11, 12, and 42-78 UNDER 35 U.S.C. §103(a)

[0004] The Office Action rejected Claims 1-4, 42-65, and 67-78 under 35 U.S.C. § 103(a) as being unpatentable over Konopka in view of Freiberger. The Office Action rejected Claims 7, 11, 12, and 66 under 35 U.S.C. § 103(a) as being unpatentable over Konopka and Freiberger as applied to Claims 1 and 59 and in further view of Slezak. The Applicant respectfully traverses this rejection. The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. MPEP at § 2142. The Applicant respectfully asserts that Konopka and Freiberger combined fail to teach or disclose each element of the claimed invention as required under 35 U.S.C. § 103(a).

Claims 1, 59, and 67

[0005] Claims 1 has been amended to more particularly point out the invention of the application. In particular, amended Claim 1 recites displaying instructional information selected by the operation on the visual displays until a triggering event. Amended Claim 1 recites displaying instructional information in a random pattern on one or more of the visual displays after the triggering event and displaying background information on one or more visual displays not displaying the instructional information. After the triggering event, the instructional information is displayed on less than the total number of visual displays in a random pattern. The background information is displayed randomly on the remaining visual displays.

[0006] Claims 43 and 44 recite that the triggering event may be either a predetermined time for displaying the instructional information or receiving a command from the operator. For example, for a three-screen classroom, the instructional information is displayed initially on all three screens. If the predetermined time is 1 minutes, after displaying the instructional information on three screens for 1 minutes the display is changed and the instructional information may be displayed for a random amount of time on one screen, then randomly be moved to a second screen, and then to another, etc. Background information is randomly displayed on the remaining screens. In another example, the operator may send a signal to change the display from instructional information on all screens to randomly displaying the instructional information.

[0007] The invention recited in amended Claim 1 is advantageous because it breaks the paradigm of the standard classroom where instructional information is displayed sequentially on typically one screen. The instructional information remains until it is replaced by other instructional information. This method of instruction has been around for centuries and overhead projectors, computer generated displays, and the like have only extended the paradigm. This standard teaching method suffers because student's minds drift while the instructional information is displayed.

[0008] The claimed invention successfully overcomes the problems of the standard classroom because by displaying the instructional information on all screens for a time and the

then randomly switching the instructional information interlaced with background information, the student's minds are constantly stimulated and refocused each time the instructional information reappears. The background information also refocuses the students' minds on the visual displays instead of other things. Each time the instructional information is presented again, it is reinforced in the minds of the students. The process of seeing the instructional information multiple times in a random sequence reinforces the instructional information. Keeping students focused on what is presented and increases retention of the instructional information. The invention recited in amended Claim 1 allows students to learn and retain more.

Neither Konopka nor Freiberg teach displaying the instructional information and then displaying the instructional information randomly after the triggering event where background information is displayed randomly on screens not displaying the instructional information. The stated purpose of Konopka is to merely extend the standard classroom paradigm for remote learning. Konopka at Abstract, col. 1, ll. 10-19. The visual displays in Konopka are used to display students from a remote classroom in a classroom where the teacher is located and to display the instructional information and teacher in classrooms where the teacher is not present. *Id* at col. 3, ll. 25-60. Konopka merely tries to extend the standard teaching paradigm to make multiple classrooms feel like they are one single classroom where instructional material is taught in a standard way.

Freiberger is not at all focused on classroom instruction but is merely a way of advertising for a display near a person by displaying advertising material while a screen is not active or displaying the advertising material in portions of a screen not being used for an active task. Freiberger at Abstract, col. 1, ll. 6-10, col. 2, ll. 2-19. One of skill in the art looking at the references would not combine Konopka or Freiberg to obtain the invention of amended Claim 1 because they lead down different paths away from the recited invention. One skilled in the art looking at Konopka would not be led to Freiberg because using displays to display background information would destroy utility of the invention of Konopka since instead of students or a teacher being displayed continuously, other background information would replace the students and teacher. This would take away from the purpose of Konopka to make remotes students feel a

part of a classroom. In addition, teachers establishing a remote classroom environment would not seek to display advertising material, but instead would seek to display material suitable for a classroom. There is no teaching or suggestion in Konopka that would lead one of skill in the art toward seeking to use some of the display screens to refocus the student's minds by displaying instructional information on all displays and then randomly switching the instructional information along with background information.

Freiberger is directed toward displaying advertising material and not toward a classroom environment. One reading Freiberger would not contemplate looking to Konopka because Freiberger is directed to advertising and one skilled in the art seeking a way to improve advertising would not then be motivated to look to a patent about remote classroom learning. Konopka destroys utility of Freiberger because Freiberger seeks to display advertising material when a screen is inactive or around the perimeter of active tasks on screen. Displaying students or a teacher in a remote classroom environment would lessen the opportunities of the invention of Freiberger to display advertising material would be contrary to the purpose of Freiberger.

The Applicant respectfully asserts that neither Konopka nor Freiberger teach or suggest the limitations of amended Claim 1 and that amended Claim 1 is allowable. In addition, the Applicant respectfully asserts that Freiberger destroys utility of Konopka and vice versa so one of skill in the art would not combine the references. Amended Claims 59 and 67 contain similar limitations to amended Claim 1 so the arguments above regarding Claim 1 are also applicable to Claims 59 and 67.

Claims 43, 44, 47, 48

[0009] Amended Claim 43 recites that the triggering event comprises a command from the operator and amended Claim 44 recites that the triggering event comprises a predetermined time for displaying the instructional information. The triggering event marks the separation of when the instructional information is displayed on all displays and when the instructional information is displayed randomly on some number less than all of the displays along with background information. Neither Konopka nor Freiberger disclose displaying instructional information on all displays then randomly displaying the instructional information with display

information so neither reference discloses any event to mark the separation of the two display states. The Applicant respectfully asserts that Claims 43 and 44 are allowable.

[0010] Amended Claim 47 recites limiting randomly displaying the instructional information for a limited period of time and then displaying background images and/or additional instructional information after the period of time. Amended Claim 48 recites displaying first instructional information and second instructional information, each with a separate random pattern. Neither Konopka nor Freiberger teach or suggest these limitations and the Applicant respectfully suggests that Claims 47 and 48 are allowable.

[0011] The Applicants respectfully assert that Claim 1 is in condition for allowance. Similarly, the Applicants assert that the arguments in favor of Claim 1 are equally applicable to Claims 59 and 67 and are in condition for allowance. Claims 2-4, 7, 11, 12, 42-58, 60-67, and 68-78 depend on Claims 1, 59, and 67. Because the invention of Claims 1, 59, and 67 are not obvious in relation to Konopka and Freiberger, the Applicants respectfully assert that Claims 2-4, 7, 11, 12, 42-58, 60-67, and 68-78 are similarly in condition for allowance because they depend from allowable claims. *See in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

[0012] The Applicant has amended Claims 1, 4, 7, 12, 43-48, 52, 53, 57-61, 67, and 72. The Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. The Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications. In addition, the Applicant is not conceding the arguments previously presented, but is merely further limiting the claims for expeditious prosecution.

[0013] Should additional information be required, the Examiner is respectfully asked to notify the Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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